

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherri Lightner • First District

COUNCIL PRESIDENT PRO TEM

Marti Emerald • Ninth District

COUNCIL MEMBERS

Lorie Zapf • Second District

Todd Gloria • Third District

Myrtle Cole • Fourth District

Mark Kersey • Fifth District

Chris Cate • Sixth District

Scott Sherman • Seventh District

David Alvarez • Eighth District

**Andrea Tevlin
Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building
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Tuesday, October 18, 2016

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, OCTOBER 18, 2016, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sanidiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

Pursuant to California Senate Bill 343 (Section 54957.5(b) of the Brown Act), late-arriving documents related to City Council meeting agenda items which are distributed to the legislative body prior to and during the Council meeting are available for public review in the Office of the City Clerk on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101. This relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of the meeting. Please note: Approximately one hour prior to the start of the Council Meeting, the documents will be available just outside Council Chambers in the lobby of the 12th floor of the City Administration Building in a binder labeled “SB 343.” Late-arriving materials received during the City Council meeting are available for review by making a verbal request of City Clerk staff located in Council Chambers.

NOTE: The public portion of the meeting will begin at 9:00 a.m. for public comment on Closed Session items. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7564.

Internet access to the agenda is available at:

<http://www.sdhc.org/Media-Center/SDHC-Meetings/Housing-Authority-Meetings/>

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF COUNCIL MINUTES

The Council Minutes of the following meetings will be approved by Unanimous Consent unless pulled for discussion:

09/12/2016

09/13/2016

09/19/2016

09/20/2016

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed are considered to be routine, and the environmental documents have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak from prior to the start of the meeting.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- * ITEM-50: Revisions to San Diego Municipal Code Chapter 2, Article 6, Division 17, Relating to the Audit Committee. (Citywide.)

ITEM DESCRIPTION:

This action is to adopt an ordinance with revisions to San Diego Municipal Code Chapter 2, Article 6, Division 17, relating to the Audit Committee. The changes provide clarification and clean-up to existing language.

COUNCILMEMBER SHERMAN'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-28)

Introduction to an Ordinance amending Chapter 2, Article 6, Division 17 of the San Diego Municipal Code by amending Section 26.1701, by retitling and amending Section 26.1702, and by amending Sections 26.1704, 26.1707, and 26.1709, all relating to the Audit Committee.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Motion by Committee Member Hebrank to approve the proposed changes, add “shall be provided” to Section 26.1709(b), drop Section 26.1701(b)(3) from the proposed changes pending further review from the City Attorney, and forward to Council.

ACTION: Motion by Committee Member Hebrank, second by Committee Member Valdivia, to approve the proposed changes, add "shall be provided" to Section 26.1709(b), drop Section 26.1701(b)(3) from the proposed changes pending further review from the City Attorney, and forward to Council.

VOTE: 4-0; Sherman-yea, Zapf-yea, Hebrank-yea, Valdivia-yea, Spencer-not present.

Tetlow

Primary Contact\Phone: Ryley Webb\619-236-6677

City Attorney Contact: Elliott, Mara W.

- * ITEM-51: Third Amendment to the Agreement with Nadel Architects for the Fire Station No. 22 Project. (Peninsula Community Area. District 2.)

ITEM DESCRIPTION:

Under this Amendment Nadel Architects, Inc., and Sub-Consultants will provide all required construction administration services associated with construction of a temporary fire station, demolition of the existing fire station, construction of the new Permanent Fire Station No. 22 and removal of the temporary fire station.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-50)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, on behalf of the City, a Third Amendment to the Agreement with Nadel Architects, Inc., for the purpose of providing additional professional Architectural Services on the Point Loma Fire Station No. 22 Project in an amount not to exceed \$200,000, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer, under the terms and conditions set forth in the Third Amendment to the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$200,000 from CIP S-00787, Point Loma Fire Station No. 22, Fund 400265, CIP Contributions for the General Fund, for the purpose of executing the Third Amendment to the Agreement.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Original Agreement was for \$249,900 per document No. C-12599; the First Amendment increased the Contract by \$160,100 per document No-OO-19994. The Second Amendment increased the Contract by \$150,000 per document No. OO-20421. The Third Amendment will increase the Contract by \$200,000 and will bring the total Contract to \$760,000. Funds for this purpose are available in S-00787, Fire Station No. 22, Fund 400256, GFCIP Contributions.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The First Amendment to the Agreement with Nadel Architects was approved on October 13, 2010. The Second Amendment to the Agreement with Nadel Architects was approved on November 4, 2014.

This item was heard at the Infrastructure Committee meeting on September 22, 2016.

ACTION: Motion by Vice-Chair Cole, second by Councilmember Zapf, to recommend Council introduce the ordinance and approve the Agreement.

VOTE: 3-0; Kersey-yea, Zapf-yea, Cole-yea, Emerald-not present.

Nagelvoort/Gomez

Primary Contact\Phone: Mark Nassar\619-533-6600, MS 908A

Secondary Contact\Phone: Jason Grani\619-533-7525, MS 908A

City Attorney Contact: Rae, Christina L.

* ITEM-52: Two-year Contract Extension Second Amendment with Sharp Business Systems.

ITEM DESCRIPTION:

This action is to approve a Second Amendment to the Agreement with Sharp Business Systems for a two-year Contract extension. The Agreement provides for rental and maintenance service of multi-function copiers located at various City facilities.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-17)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Second Amendment to the Agreement with Sharp Business Systems for the rental of convenience and production copiers;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,227,000, for each additional contract year from Publishing Services Fund 720041, solely and exclusively, to provide funds for the Second Amendment, contingent upon sufficient funding being available in the approved City Budgets and the Chief Financial Officer first furnishing one or more certificates demonstrating that the funds necessary for the expenditure are, or will be, on deposit with the City Treasury;

Authorizing the Chief Financial Officer to transfer excess funds, if any, to the appropriate reserves upon advice from the administering department.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action will increase the authorized amount of \$1,227,000 per contract year for two additional years through November 2018. Funds for this request are available in Fund 720041/Publishing Services Fund.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On November 9, 2011, the City Council approved Resolution R-307090 awarding a Five (5) Year Agreement for Citywide copies services to Sharp Business Services at an annual cost of \$1,127,000. On April 30, 2014, the City Council approved increasing the total annual cost by \$100,000 for FY 2014, FY 2015, and FY 2016 (R-308880), increasing the total value of the Five (5) Year Agreement to \$5,935,000.

This item was heard at the Budget and Government Efficiency Committee meeting on September 14, 2016.

ACTION: Motion by Councilmember Sherman, second by Councilmember Cate, to recommend Council introduce the ordinance.

VOTE: 4-0; Gloria-yea, Sherman-yea, Cole-yea, Cate-yea.

Gibson/Gomez

Primary Contact\Phone: James Nagelvoort\619-533-5100

Secondary Contact\Phone: Rimah Khouri\619-533-3172

City Attorney Contact: Zeleny, Thomas C.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-53: Proposed Amendment to the Municipal Code for Maintenance Assessment Districts. (Citywide.)

ITEM DESCRIPTION:

Amend the Municipal Code Sections 65.0206(e), 65.0217(c) and 65.0221(c), and remove reference of "property" and replace with "parcels".

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/27/2016, Item 50. (Council voted 6-0. Councilmember Kersey, Councilmember Alvarez, and Council President Pro Tem Emerald not present):

(O-2017-43)

Amending Chapter 6, Article 5, Division 2, of the San Diego Municipal Code by Amending Sections 65.0206, 65.0217, and 65.0221, all related to Maintenance Assessment Districts.

* ITEM-54: Proposed updates to Election Campaign Control Ordinance.

ITEM DESCRIPTION:

Amend provisions in the Election Campaign Control Ordinance concerning the extension of vendor credit, deposit of contributions, reporting contributors, pre-election fundraising time period, reimbursement notice, and third pre-election filing for independent committees.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/27/2016, Item 331. (Council voted 6-0. Councilmember Kersey, Councilmember Alvarez, and Council President Pro Tem Emerald not present):

(O-2017-36)

Amending Chapter 2, Article 7, Division 29, of the San Diego Municipal Code by Amending Sections 27.2916, 27.2930, 27.2938 and 27.2939; by Repealing Section 27.2945; and by Amending Sections 27.2960, 27.2970, 27.2974 and 27.2975, all relating to the City of San Diego Election Campaign Control Ordinance.

- * ITEM-55: Request to exempt three (3) positions from the City Treasurer's Office from the Classified Service.

ITEM DESCRIPTION:

This action is to exempt three (3) Program Coordinator positions from the Classified Service. These positions will assist in the administration and enforcement of the City's new Earned Sick Leave and Minimum Wage Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/4/2016, Item 50. (Council voted 8-0. Council President Pro Tem Emerald not present):

(O-2017-34)

Receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated September 2, 2016, which documents that, on September 1, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt three Program Coordinator positions from the Classified Service. The Program Coordinator positions will assist in the development of policies and procedures for the Earned Sick Leave (ESL) and Minimum Wage (MW) Ordinance Enforcement Office; conduct outreach to educate business owners and community groups; evaluate all complaints received and determine if a Notice of Violation needs to be issued; conduct field investigations and prepare documentary evidence; facilitate settlement conferences, negotiate penalties, or make a determination to go directly to an independent hearing officer; and prepare reports and presentations for distribution to management and the City Council;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the City Council exempts from the Classified Service and declares to be in the Unclassified Service of the City three Program Coordinator positions, performing the duties set forth in the September 2, 2016, memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this ordinance.

- * ITEM-56: Environmental Science Research Institute (ESRI) Enterprise License Agreement in Support of Geospatial Software.

ITEM DESCRIPTION:

This action is to approve the Enterprise License Agreement with Environmental Science Research Institute (ESRI) for an amount not to exceed \$2,700,000 for the three year Agreement. This Contract will provide for support of Citywide geospatial software.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/4/2016, Item 51. (Council voted 8-0. Council President Pro Tem Emerald not present):

(O-2016-155)

Authorizing the Mayor, or his designee, to execute an Agreement between the City and Environmental Science Research Institute (ESRI) Inc., for Geographic Information Systems (GIS) software licensing and support and maintenance services pursuant to the terms and conditions contained in the Agreement, with an amount not to exceed \$2,700,000;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$2,700,000 under the proposed Agreement with ESRI, Inc. for GIS software licensing and support and maintenance services with funding for each year being contingent upon the adoption of the Appropriation Ordinance for the applicable fiscal years, and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasury;

Authorizing the Chief Financial Officer, upon advice from the administrative department, to transfer excess funds, if any, to the appropriate reserves.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

- * ITEM-57: Contract with Helix Environmental Construction Group for Construction of the Wetland Mitigation Project (Contract K-16-1323-DBB-3-C). (Mission Valley Community Area. District 7.)

ITEM DESCRIPTION:

This action is for approval of a 6-year 4-month phase funded Contract Agreement (Phase 6 covers funding for FY 2022 and beyond until completion of project) with Helix Environmental Construction Group, not to exceed \$3,928,594.95, to construct the Wetland Mitigation Project. The mitigation site will restore 56 acres of native habitat within the San Diego River and provide Public Utilities Department, and other City Departments, with wetland mitigation credits to offset unavoidable impacts to environmentally sensitive lands. This action will also create an interest bearing, non-wasting special fund in which funds will be held and used for the long-term maintenance of the site following completion of this Contract.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/4/2016, Item 52. (Council voted 8-0. Council President Pro Tem Emerald not present):

(O-2017-29 Cor. Copy)

Authorizing the Mayor, or his designee, to execute a phase funded Contract with Helix Environmental Construction Group for construction and maintenance of the Wetland Mitigation Site, in an amount not to exceed \$3,928,594.95, with a contract duration of six-years and four-months, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$3,928,594.95 from Muni Sewer Revenue Fund 700000, for the purpose of funding construction of the Wetland Mitigation Project, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure under the established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to establish an interest-bearing, nonwasting, special fund for the long term maintenance and management of the Wetland Mitigation Site;

Authorizing the Chief Financial Officer to accept, appropriate, and expend principal and interest from the special fund to support the long term maintenance and management of the Wetland Mitigation Site.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

- * ITEM-58: Successor Agency to the Redevelopment Agency of the City of San Diego, Tax Allocation Refunding Bonds, Series 2017A (Tax Exempt) and 2017B (Taxable). (Citywide.)

(Continued from the meeting of 10/04/2016, Item 53, at the request of Councilmember Alvarez, due to noticing concerns.)

ITEM DESCRIPTION:

This item is to authorize the issuance of the Successor Agency to the Redevelopment Agency of the City of San Diego Tax Allocation Refunding Bonds, Series 2017A (Tax Exempt) and Series 2017B (Taxable) (the "Series 2017 Bonds"), and the related financing documents, to refund for economic savings, various outstanding bonds of the former Redevelopment Agency (as identified in the Staff Report). Also, this item will authorize the City Attorney to retain Stradling, Yocca, Carlson & Rauth PC as Bond and Disclosure Counsel and the Chief Financial Officer to establish special interest bearing account(s) for the proceeds of the Series 2017 Bonds.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/19/2016, Item 200. (Council voted 9-0):

(O-2017-33)

Declaring that the Council of the City of San Diego, acting in its capacity as the governing board of the Successor Agency to the Redevelopment Agency of the City of San Diego, (i) authorizing the issuance and sale of Tax Allocation Refunding Bonds, (ii) approving the Form of a First Supplemental Indenture of Trust, Bond Purchase Agreement and related documents, and (iii) authorizing certain related actions.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

- * ITEM-59: Proposed Amendments to Chapter 6, Article 6, Divisions 1 and 7, of the San Diego Municipal Code Relating to the Recyclable Material Franchise Exclusion; and Revisions to AB 939 Fee Collection.

ITEM DESCRIPTION:

Amendments to Chapter 6, Article 6, Divisions 1 and 7, of the San Diego Municipal Code Relating to the Recyclable Material Franchise Exclusion for Solid Waste Collection Franchises; and Revisions to the Manner of AB 939 Fee Collection.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/4/2016, Item 330, Subitem A. (Council voted 9-0): (Rev. 10/12/16)

(O-2017-37 Cor. Copy)

Amending Chapter 6, Article 6, Division 1, of the San Diego Municipal Code by amending Sections 66.0102, 66.0109, and 66.0119, and amending Chapter 6, Article 6, Division 7, by amending Sections 66.0703, 66.0714, and 66.0716, all relating to the Recyclable Material Franchise Exclusion for solid waste collection franchises.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Maintenance Agreement for Rose Canyon Bike Path. (Clairemont Mesa and University Community Areas. Districts 1 and 2.)

ITEM DESCRIPTION:

This action approves a Maintenance Agreement with Caltrans for the Rose Canyon Bike Path, a City asset within Caltrans right-of-way.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-78)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Maintenance Agreement with the California Department of Transportation for the Rose Canyon Bike Path, under the terms and conditions set forth in the document.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None with this action. The new bike path under this Maintenance Agreement replaces an existing bike path that is already under City maintenance.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee meeting on September 22, 2016.

ACTION: Motion by Vice-Chair Cole, second by Councilmember Zapf, to recommend Council adopt the resolutions and approve the Agreement.

VOTE: 3-0; Kersey-yea, Zapf-yea, Cole-yea, Emerald-not present.

McFadden/Gomez

Primary Contact\Phone: Stephen Celniker\619-533-3611

Secondary Contact\Phone: Linda Marabian\619-533-3082

City Attorney Contact: Jung, Jeremy A.

- * ITEM-101: Transfer of Funds from Various Capital Improvement Program Projects to Avenida De La Playa Infrastructure Replacement Project. (La Jolla Community Area. District 1.)

ITEM DESCRIPTION:

Council authorization is requested to transfer appropriations for the following: \$2,000,000 from University Avenue Mobility Project, \$2,000,000 from SR94/Euclid Avenue Interchange Improvements, and \$1,000,000 from Torrey Pines Road Improvements Phase 2 to the Avenida De La Playa Infrastructure Replacement Project. Council authorization is also requested to amend the Regional Transportation Improvement Program (RTIP).

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-164)

Authorizing the Chief Financial Officer to transfer appropriations in the Fiscal Year 2017 CIP Budget and authorizing the Mayor, and Chief Financial Officers, to take other actions as follows:

Authorizing the Chief Financial Officer to transfer appropriations of \$1,000,000 from CIP S-15023, Torrey Pines Road Improvements Phase 2, Fund 400169, TransNet Extension 70% CAP to CIP S-13018, Avenida De La Playa Infrastructure Replacement Project; and to expend an amount not to exceed \$1,000,000 from CIP S-13018, Avenida De La Playa Infrastructure Replacement Project, Fund 400169, TransNet Extension 70% CAP;

Authorizing the Chief Financial Officer to transfer appropriations of \$2,000,000 from CIP S-00915, University Avenue Mobility Project, Fund 400169, TransNet Extension 70% CAP to CIP S-13018, Avenida De La Playa Infrastructure Replacement Project; and to expend an amount not to exceed \$2,000,000 from CIP S-13018, Avenida De La Playa Infrastructure Replacement Project, Fund 400169, TransNet Extension 70% CAP;

Authorizing the Chief Financial Officer to transfer appropriations of \$2,000,000 from CIP S-14009, SR94/Euclid Avenue Interchange Improvements, Fund 400169, TransNet Extension 70% CAP to CIP S-13018, Avenida De La Playa Infrastructure Replacement Project; and to expend an amount not to exceed \$2,000,000 from CIP S-13018, Avenida De La Playa Infrastructure Replacement Project, Fund 400169, TransNet Extension 70% CAP;

Authorizing the Chief Financial Officer to submit to San Diego Association of Governments (SANDAG) revisions to the 2016 Regional Transportation Improvement Program (RTIP) and approve adjustments to TransNet funded projects as required by SANDAG and outlined in the resolutions above;

Certifying that no more than 30 percent of its annual revenues shall be spent on maintenance related projects, pursuant to Section 2(C)(1) of the TransNet Extension Ordinance;

Certifying that all new projects, or major reconstruction projects, funded by TransNet revenues shall accommodate travel by pedestrians and bicyclists, and that any exception to this requirement permitted under the Ordinance and proposed, shall be clearly noticed as part of the City of San Diego's public hearing process, pursuant to Section 4(E)(3) of the TransNet Extension Ordinance;

Certifying that it has included an amount of local discretionary funding for street and road purposes in its budget for this fiscal year that is at least equal to the most recently established minimum maintenance of effort requirement adopted by SANDAG and that it intends to continue to do so in each year of the five-year period covered by the RTIP, pursuant to Section 8 of the TransNet Extension Ordinance;

Certifying that it will exact \$2,357, plus all applicable annual increases, from the private sector for each newly constructed residential housing unit in that jurisdiction and shall contribute such exactions to the Regional Transportation Congestion Improvement Program (RTCIP), pursuant to Section 9A of the TransNet Extension Ordinance;

Certify that it has established a separate Transportation Improvement Account for TransNet revenues with interest earned expended only for those purposes for which the funds were allocated, pursuant to Section 13 of the TransNet Extension Ordinance;

Certifying that each project of \$250,000 or more will be clearly designated during construction with TransNet project funding identification signs, pursuant to Section 18 of the TransNet Extension Ordinance;

Certifying that all other applicable provisions of the TransNet Extension Ordinance have been met;

Agreeing to indemnify, hold harmless, and defend SANDAG, the San Diego County Regional Transportation Commission, and all officers and employees thereof against all causes of action or claims to local TransNet funded project;

Authorizing the Mayor, or his designee, to negotiate and execute change orders to the Project Construction Contract that are greater than \$500,000 individually, up to the \$5,000,000 CIP Budget increase, contingent upon the Chief Financial Officer providing one or more certificates that the funds necessary for expenditures are, or will be, on deposit with the City Treasury.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action will authorize the transfer of \$2,000,000 from CIP S-00915, University Avenue Mobility Project, \$2,000,000 from CIP S-14009, SR94/Euclid Avenue Interchange Improvements, and \$1,000,000 from CIP S-15023, Torrey Pines Road Improvements Phase 2, to CIP S-13018, Avenida De La Playa Infrastructure Replacement Project within Fund 400169, TransNet Extension 70% CAP. Additionally, the Regional Transportation Improvement Program (RTIP) will be amended to reflect the transfer of TransNet funds from the three projects above to the Avenida De La Playa Infrastructure Replacement Project, as well as the re-appropriation of these projects in Fiscal Year 2018.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item heard at the Infrastructure Committee meeting on September 22, 2016.

Avenida De La Playa Infrastructure Replacement Project

- Resolution No. 307668 on September 13, 2012, approve funding
- Resolution No. 308098 on April 9, 2013, approve funding
- Resolution No. 309778 on June 8, 2015, de-appropriate funding
- Resolution No. 310155 on December 14, 2015, de-appropriate funding
- Resolution No. 310504 on June 13, 2016, approve funding

ACTION: Motion by Vice-Chair Cole, second by Councilmember Zapf, to recommend Council adopt the resolutions.

VOTE: 3-0; Kersey-yea, Zapf-yea, Cole-yea, Emerald-not present.

Gibson/Gomez

Primary Contact\Phone: Abi Palaseyed\619-533-4654, MS 908A

Secondary Contact\Phone: Sheila Bose\619-533-4698, MS 908A

City Attorney Contact: Will, Brant C.

- * ITEM-102: Increasing the CIP Budget and transferring funds to the Market Street from 47th Street to Euclid Avenue "Complete Street" Project. (Encanto Neighborhoods and Southeastern Community Areas. District 4.)

ITEM DESCRIPTION:

This item is to accept, appropriate, and expend an Active Transportation Program Grant from Caltrans in the amount of \$4,016,000. Also transferring \$700,000 from the Capital Outlay-Sales Tax Fund, for the purpose of establishing a "Complete Street" Project along Market Street from 47th Street to Euclid Avenue. The total cost of the Project is \$4,716,000.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-131)

Authorizing the Chief Financial Officer to accept, appropriate and expend an amount not to exceed \$4,016,000 if the Grant Funding is secured;

Authorizing the Chief Financial Officer to add CIP S-16061, Market Street, 47th Street to Euclid Avenue "Complete Street", to the Fiscal Year 2017 Capital Improvements Program;

Authorizing the Chief Financial Officer to increase the Fiscal Year 2017 Capital Improvements Program Budget in CIP S-16061, Market Street, 47th Street to Euclid Avenue "Complete Street" and to appropriate and expend \$4,016,000 from State Fund, 600000, Federal award, Grant No. 1000458-2016, and \$700,000 from Fund 400000, Capital Outlay-Sales Tax, for the purpose of establishing a "Complete Street" Project, contingent upon the receipt of a fully executed Grant Agreement, the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer and contingent upon completing the environmental reviews to construct the Project.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action will increase the Fiscal Year 2017 Capital Improvement Program Budget in the amount of \$4,016,000, through the Caltrans ATP Grant and \$700,000 from the Capital Outlay-Sales Tax, Fund 400000, in CIP S-16061, Market Street-47th Street to Euclid Avenue "Complete Street".

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee meeting on September 22, 2016.

ACTION: Motion by Vice-Chair Cole, second by Councilmember Zapf, to adopt the resolutions.

VOTE: 3-0; Kersey-yea, Zapf-yea, Cole-yea, Emerald-not present.

McFadden/Gomez

Primary Contact\Phone: Hasan Yousef\619-533-3012, MS 608

Secondary Contact\Phone: Linda Marabian\619-533-3082, MS 608

City Attorney Contact: Gerrity, Ryan P.

- * ITEM-103: Acquisition of 13.599 acres from Pardee Homes for the construction of Project P-3.1, Pacific Highlands Ranch Community Park and Recreation Building in Pacific Highlands Ranch, APN 305-040-33. (Pacific Highlands Ranch Community Area. District 1.)

ITEM DESCRIPTION:

Approval of this action will authorize the City of San Diego ("City") to buy 13.599 gross acres of land from Pardee Homes ("Pardee"), formerly Pardee Construction Company, for the purpose of constructing a community park and recreation building for this newly developed community. As per a September 8, 1998, Purchase Agreement between City and Pardee ("Agreement"), City is allowed to purchase land within Pacific Highlands Ranch Subarea III in order to provide a community park benefit to the community.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-130)

Authorizing the Chief Financial Officer to expend an amount not to exceed \$6,610,000 from CIP RD-16002, PHR Community Park and Recreation Building, Fund 400090, Pacific Highlands Ranch Facilities Benefit Assessment, for the purchase of 13.599 gross acres of real property from Pardee Homes, a California Corporation, for a community park, contingent upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Mayor, or his designee, to execute and deliver all such Agreements and all other instruments, including acceptance of the Grant Deed, to effect and complete the acquisition of the 13.599 gross acres of land from Pardee Homes.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The purchase price to be paid for acquiring the real property in APN 305-040-33 will not exceed \$6,610,000. The funds are available within the existing budget of the Pacific Highlands Ranch Facilities Benefit Assessment. Allocated funding shall be used for the purpose of real property acquisition including carrying costs for property taxes, interest and maintenance from the Vested Tentative Map (TM) filing date to the close of escrow, and related escrow closing costs.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Council Ordinance No. O-18579 adopted on September 8, 1998, authorized the City to enter into the Pacific Highlands Ranch - Subarea III North City Future Urbanizing Area (NCFUE) Purchase Agreement.

Council Ordinance No. O-19150 adopted on February 18, 2003, authorized the First Amendment to the Pacific Highlands Ranch - Subarea III NCFUE Purchase Agreement.

Council Resolution No. RR-310151 adopted on December 8, 2015, approved the Pacific Highlands Ranch Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) (PHR Financing Plan).

Council Ordinance No. O-20633 adopted on April 13, 2016, authorized a Reimbursement Agreement with Pardee Homes, Inc. ("Developer") for reimbursement to the Developer for the design and construction of a community park and recreation building.

This item was heard at the Smart Growth and Land Use Committee meeting on September 21, 2016.

ACTION: Motion by Councilmember Gloria, Second by Councilmember Alvarez, to recommend Council adopt the resolution.

VOTE: 4-0; Zapf-yea, Gloria-yea, Sherman-yea, Alvarez-yea.

Thompson/Villa

Primary Contact\Phone: Barry Slotten\619-236-6724, MS 51A

Secondary Contact\Phone: April McCusker\619-236-6987, MS 51A

City Attorney Contact: Ferbert, Heather M.

- * ITEM-104: Appropriations of Additional Funding and Budget Revisions to Various CIP Projects. (City Heights, Linda Vista, Torrey Pines, and University Community Areas. Districts 1, 4, and 7.)

ITEM DESCRIPTION:

Council authorization is requested to make the following appropriation transfers: \$600,000 from the SD River Dredging Project to Streamview Drive Improvements; \$321,000 from Laurel Street Bridge of which \$77,000 is to Streamview Drive Improvements, \$150,000 is to the North Torrey Pines Rd Bridge/Los Peñasquitos, Project, \$94,000 is to Linda Vista Rd at Genesee Intersection; and also \$56,000 from Cherokee Street Improvements to Linda Vista Rd at Genesee Intersection. Council authorization is requested to appropriate additional funding, and increase the Capital Improvements Program (CIP) Budget from fund balance by \$150,000 for University Village Park Tot Lot.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-105)

Authorizing the Chief Financial Officer to revise the Fiscal Year 2017 Budget and adjustments to the Fiscal Year 2017 CIP Budget appropriations are approved as follows:

Authorizing the Chief Financial Officer to transfer appropriations of \$600,000 from CIP S-00606, SD River Dredging Qualcomm Way to SR 163, Fund 400265, CIP Contributions from the General Fund to CIP S-00864, Streamview Drive Improvements Project; and to expend an amount not to exceed \$600,000 from CIP S-00864, Streamview Drive Improvements Project, Fund 400265, CIP Contributions from the General Fund;

Authorizing the Chief Financial Officer to transfer appropriations of \$77,000 from CIP S-00939, Laurel Street Bridge Over SR 163, Fund 400156, Prop A - (1/2% Sales Tax) to CIP S-00864, Streamview Drive Improvements Project; and to expend an amount not to exceed \$77,000 from CIP S-00864, Streamview Drive Improvements Project, Fund 400156, Prop A - (1/2% Sales Tax);

Authorizing the Chief Financial Officer to transfer appropriations of \$150,000 from CIP S-00939, Laurel Street Bridge Over SR 163, Fund 400156, Prop A - (1/2% Sales Tax) to CIP S-00935, North Torrey Pines Road Bridge/Los Peñasquitos, and to expend an amount not to exceed \$150,000 from CIP S-00935, North Torrey Pines Road Bridge/Los Peñasquitos, Fund 400156, Prop A - (1/2% Sales Tax);

Authorizing the Chief Financial Officer to transfer appropriations of \$67,600 from CIP S-00939, Laurel Street Bridge Over SR 163, Fund 400156, Prop A - (1/2% Sales Tax) to CIP S-00907, Linda Vista Road at Genesee Intersection Project, and to expend an amount not to exceed \$67,600 from CIP S-00907, Linda Vista Road at Genesee Intersection Project, Fund 400156, Prop A - (1/2% Sales Tax);

Authorizing the Chief Financial Officer to transfer appropriations of \$26,400 from CIP S-00939, Laurel Street Bridge Over SR 163, Fund 400169, TransNet Extension 70%, to CIP S-00907, Linda Vista Road at Genesee Intersection Project, and to expend an amount not to exceed \$26,400 from CIP S-00907, Linda Vista Road at Genesee Intersection Project, Fund 400169, TransNet Extension 70%;

Authorizing the Chief Financial Officer to transfer appropriations of \$56,000 from CIP S-00921, Cherokee Street Improvements, Fund 400169, TransNet Extension 70% to CIP S-00907, Linda Vista Road at Genesee Intersection Project, and to expend an amount not to exceed \$56,000 from CIP S-00907, Linda Vista Road at Genesee Intersection Project, Fund 400169, TransNet Extension 70%;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-13005, University Village Park Tot Lot and to appropriate and expend \$150,000 from CIP S-13005, University Village Park Tot Lot, Fund 200324, Antenna Lease Revenue, for the purpose of completing construction, contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to submit to SANDAG revisions to the 2016 Regional Transportation Improvement Program (RTIP) and approve adjustments to TransNet funded Projects as required by SANDAG and outlined in the resolutions above;

Certifying that no more than 30 percent of its annual revenues shall be spent on maintenance related projects, pursuant to Section 2(C)(1) of the TransNet Extension Ordinance;

Certifying that all new projects, or major reconstruction projects, funded by TransNet revenues shall accommodate travel by pedestrians and bicyclists, and that any exception to this requirement permitted under the Ordinance and proposed, shall be clearly noticed as part of the City of San Diego's public hearing process, pursuant to Section 4(E)(3) of the TransNet Extension Ordinance;

Certifying that it has included an amount of local discretionary funding for street and road purposes in its budget for this fiscal year that is at least equal to the most recently established minimum maintenance of effort requirement adopted by SANDAG and that it intends to continue to do so in each year of the five-year period covered by the RTIP, pursuant to Section 8 of the TransNet Extension Ordinance;

Certifying that it will exact \$2,357, plus all applicable annual increases, from the private sector for each newly constructed residential housing unit in that jurisdiction and shall contribute such exactions to the Regional Transportation Congestion Improvement Program (RTCIP), pursuant to Section 9A of the TransNet Extension Ordinance;

Certifying that it has established a separate Transportation Improvement Account for TransNet revenues with interest earned expended only for those purposes for which the funds were allocated, pursuant to Section 13 of the TransNet Extension Ordinance;

Certifying that each project of \$250,000 or more will be clearly designated during construction with TransNet Project funding identification signs, pursuant to Section 18 of the TransNet Extension Ordinance;

Certifying that all other applicable provisions of the TransNet Extension Ordinance have been met;

Agreeing to indemnify, hold harmless, and defend SANDAG, the San Diego County Regional Transportation Commission, and all officers and employees thereof against all causes of action or claims to local TransNet funded Project.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action will authorize the transfer of \$600,000 from CIP S-00606, SD River Dredging Qualcomm Way to SR 163 to CIP S-00864, Streamview Drive Improvements within Fund 400265, CIP Contributions from the General Fund. \$321,000 will be transferred from CIP S-00939, Laurel Street Bridge Over SR 163 of which \$77,000 is to CIP S-00864, Streamview Drive Improvements; \$150,000 is to CIP S-00935, North Torrey Pines Rd Bridge/Los Peñasquitos; \$67,600 is to CIP S-00907, Linda Vista Rd at Genesee Intersection within Fund 400156, Prop A - (1/2% Sales Tax); \$26,400 is to CIP S-00907, Linda Vista Rd at Genesee Intersection within Fund 400169, TransNet Extension 70%. \$56,000 will be transferred from CIP S-00921, Cherokee Street Improvements to CIP S-00907, Linda Vista Rd at Genesee Intersection within Fund 400169, TransNet Extension 70%.

This action also authorizes the increase of the CIP Budget in the amount of \$150,000 and will be allocated to CIP S-13005, University Village Park Tot Lot within Fund 200324, Antenna Lease Revenue.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Streamview Drive Improvements:

-Resolution No. 310155: December 14, 2015, approving funding.

North Torrey Pines Rd Bridge/Los Peñasquitos:

-Resolution No. 310120: December 16, 2015, accepting, appropriating, and expending Federal Grant Funds.

-Resolution No. 310155: January 4, 2016, authorizing revisions to the Fiscal Year 2016 Budget.

Linda Vista Rd at Genesee Intersection:

-Resolution No. 307150: November 15, 2011, authorizing amendments to the RTIP.

University Village Park Tot Lot:

-Resolution No. 310155: December 14, 2015, approving funding.

This item was heard at the Infrastructure Committee meeting on September 22, 2016.

ACTION: Motion by Vice-Chair Cole, second by Councilmember Zapf, to adopt the resolutions.

VOTE: 3-0; Kersey-yea, Zapf-yea, Cole-yea, Emerald-not present.

Nagelvoort/Gomez

Primary Contact\Phone: Abi Palaseyed\619-533-4654, MS 908A

Secondary Contact\Phone: Brad Johnson\619-533-5120, MS 908A

City Attorney Contact: Will, Brant C.

- * ITEM-105: Expansion of Residential Permit Parking Area “E”. (Clairemont Mesa Community Area. District 6.)

ITEM DESCRIPTION:

This action will expand the Residential Permit Parking Area "E" in the Clairemont Mesa Community, and provide the residents with the benefits of exclusive on-street permit parking to mitigate the commuter parking impacts from Mesa College.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-127)

Declaring that pursuant to authority conferred by and in accordance with the provisions of San Diego Municipal Code Section 86.2005(b), the existing Residential Permit Parking Area “E” shall be expanded to include the properties on Ashford Street, Ashford Place, Ashford Court, Baltic Street, Cullen Street, Argyle Street, Markham Street and Atlas Street as listed in Attachment 2;

Declaring that the Street Division of the Transportation & Storm Water Department shall install the necessary signs on the designated streets, and the regulations hereinabove imposed shall become effective upon the installation of such signs.

Subitem-B: (R-2017-128)

Determining that the expansion of Residential Permit Parking Area “E” in Clairemont Mesa Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301;

Determining that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The fee for annual permits in Area “E” is \$15, as established by the City Council. The maximum number of permits allowed per address is 5. There are a total of 84 households that would be added to the area. The annual revenue could range from 1 permit per address (\$1,260 per year) to 5 permits per address (\$6,300 per year). Additionally, there would be an initial start-up expense for the installation of 50 regulatory signs, at a cost of \$150 per sign, for a total of \$7,500. Funding for this anticipated expense will be absorbed within Transportation & Storm Water Department, Street Division's Operating Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTIONS:

Council approved the Area “E” Permit Parking Area on March 25, 2003, by Resolution No. R-297779. Subsequent modifications have been made as follows: Expansion on July 5, 2006, by Resolution No. R-301595; Reduction on July 5, 2006, by Resolution No. R-301596; Expansion on December 24, 2013, by Resolution No. R-308633.

This item was heard at the Smart Growth and Land Use Committee meeting on September 21, 2016.

MOTION: Motion by Councilmember Gloria, second by Councilmember Alvarez, to recommend Council adopt the resolution.

VOTE: 4-0; Zapf-yea, Gloria-yea, Sherman-yea, Alvarez-yea.

Yousef/Gomez

Primary Contact\Phone: Julio Fuentes\619-533-3092

Secondary Contact\Phone: Linda Marabian\619-533-3082

City Attorney Contact: Gerrity, Ryan P.

- * ITEM-106: Settlement of a Government Claim filed by USAA on behalf of subrogee Walkowiak regarding property damage at 10223 Rue Chamonix, San Diego, CA, Risk Management File No. 11438.

ITEM DESCRIPTION:

This a subrogation complaint for reimbursement of money paid to repair and replace damage to a property as a result of a sewer back-up. The proposed settlement would resolve all claims brought by United States Automobile Association (USAA).

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-124)

Authorizing the Mayor, or his designee, to pay the sum of \$105,000 from the Municipal Sewer Revenue Fund No. 700000, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the property damage claim of *United Services Automobile Association (USAA) as Subrogee of Judith Walkowiak vs. City of San Diego*, San Diego Superior Court Case No.: 37-2016-00008611-CU-PO-CTL;

Authorizing the Chief Financial Officer to expend \$105,000 from the Municipal Sewer Revenue Fund 700000, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to issue a check in the amount of \$105,000, made payable to Law Offices of Robert A. Stutman, P.C.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$105,000 will be paid from the Municipal Sewer Revenue Fund No. 700000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved in Closed Session on July 19, 2016.

Bamberg

Primary Contact\City Attorney Contact\Phone: Molly E. Hoot\619-533-5852

PROCLAMATIONS/CEREMONIAL ITEMS

NOTE: The following Proclamations will be presented in Council Chambers and approved by Unanimous Consent unless pulled for discussion.

ITEM-30: Joey Landwher Day.

PRESENTED BY COUNCILMEMBER ZAPF:

Proclaiming October 18, 2016, to be "Joey Landwher Day" in the City of San Diego.

ITEM-31: 20th Anniversary of the Center for Sustainable Energy Day.

PRESENTED BY COUNCILMEMBER CATE:

Proclaiming October 18, 2016, to be the "20th Anniversary of the Center for Sustainable Energy Day" in the City of San Diego.

NOTE: The following Proclamations will NOT be presented in Council Chambers. They will be approved by Unanimous Consent unless pulled for discussion.

ITEM-32: 8th Annual La Jolla Art & Wine Festival Days.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming October 8 - 9, 2016, to be the "8th Annual La Jolla Art & Wine Festival Days" in the City of San Diego.

ITEM-33: Black American Political Association of California Day.

COUNCILMEMBER COLE'S RECOMMENDATION:

Proclaiming October 8, 2016, to be "Black American Political Association of California Day" in the City of San Diego.

ITEM-34: Asian American Journalists Association San Diego 30th Anniversary Day.

COUNCILMEMBER CATE'S RECOMMENDATION:

Proclaiming September 24, 2016, to be "Asian American Journalists Association San Diego 30th Anniversary Day" in the City of San Diego.

ITEM-35: Otay Mesa-Nestor Branch Library Day.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Proclaiming October 15, 2016, to be "Otay Mesa-Nestor Branch Library Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Per Section 22.0101, Rule 2.6.2, of the San Diego Municipal Code, comments are limited to two minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Public Comment is limited to 30 minutes during the Tuesday morning Council session. Any remaining speakers will be given an opportunity to speak after Council concludes the remaining agenda items for that day. Speaker order will generally be decided on a first-come, first-served basis. However, in the event that there are more than 15 Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given to speakers who have not addressed the legislative body during "Non-Agenda Public Comment" at the last regularly scheduled Council meeting.

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY, CITY CLERK COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will consider requests for continuance in the morning or afternoon, based on when the item was noticed to be heard.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED:

The following item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-330: San Diego Municipal Code Section 98.0301 and 98.0302 Amendments Related to the San Diego Housing Commission and Relocation Appeals Board. (Citywide.)

ITEM DESCRIPTION:

That the San Diego City Council approve proposed amendments to San Diego Municipal Code Chapter 9, Article 8, Division 3, related to the San Diego Housing Commission and Relocation Appeals Board.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-44 Cor. Copy)

Introduction of an Ordinance amending Chapter 9, Article 8, Division 3, of the San Diego Municipal Code by retitling Division 3, and by amending Sections 98.0301 and 98.0302, all relating to Housing and the San Diego Housing Commission and the Relocation Appeals Board.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action does not have any fiscal impact.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On December 5, 1978, the San Diego City Council adopted Ordinance No. O-12515 to create the San Diego Housing Commission (Housing Commission).

On September 30, 1985, the San Diego City Council adopted Ordinance No. O-16511 amending the San Diego Municipal Code Chapter 9, Article 8, to include three Division titles: Division 1, Housing Code, Division 2, Mobile Home Parks and Special Occupancy Parks, and Division 3, San Diego Housing Commission.

On April 25, 1994, the San Diego City Council adopted Ordinance No. O-18062 amending the San Diego Municipal Code Chapter 9, Article 8, Division 3, Section 98.0301 to add language to the Section 98.301(a) to include definitions and add administrative functions.

On December 10, 2014, the San Diego City Council adopted Ordinance No. O-20331 amending San Diego Municipal Code Chapter 9, Article 8, Division 3, Section 98.0301(f) to include an alternative method to appoint Housing Commission members if the Mayor does not take action to fill appointments within 45 days of a vacancy.

This item was heard at the Smart Growth and Land Use Committee meeting on July 27, 2016, and forwarded to the full Council. At the request of Councilmember Sherman, Debbie Ruane, Executive Vice President and Charles B. Christensen, Housing Commission General Counsel, met with the Councilmember and his staff to provide additional information regarding the proposed amendments. Councilmember Sherman requested staff include an advance notice requirement for the following matters to be heard by the Housing Commission Board: Any proposed acquisition, sale, or lease of real property for a term in excess of five years; and Approval of any development project, rehabilitation loan commitment, or contract for the acquisition of goods or services, involving the expenditure of more than \$1,000,000. The language drafted by the City Attorney's Office would now require that the Housing Commission provide seven (7) day advance notice of any of the matters referenced above before they are heard by the Housing Commission Board. The notice would be to the Housing Authority.

ACTION: Motion by Councilmember Gloria, second by Councilmember Sherman, to forward the item to Council without recommendation.

VOTE: 4-0; Zapf-yea, Gloria-yea, Sherman-yea, Alvarez-yea.

Davis/Graham

Primary Contact\Phone: Jeff Davis\619-578-7550
City Attorney Contact: Vonblum, Heidi K.

The following item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-331: Approval of an Operating Agreement and Agency Agreement between the City of San Diego and Civic San Diego.

(On 9/12/2016, Item 200, was returned to staff. On 9/20/2016, Item S500, was returned to staff.) (Rev. 10/12/16)

ITEM DESCRIPTION:

Approval of an Operating Agreement and Agency Agreement between the City of San Diego and Civic San Diego.

STAFF'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2017-30 Cor. Copy)

Introduction of an Ordinance authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, that certain Operating Agreement between the City of San Diego and Civic San Diego (Operating Agreement), on the terms and conditions as set forth in the Operating Agreement, together with any reasonably necessary modifications or amendments thereto which do not materially change the terms and which the Mayor, or designee, shall deem necessary from time to time in order to carry out the purposes and intent of the Operating Agreement.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

Subitem-B: (O-2017-31 Cor. Copy)

Introduction of an Ordinance authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, that certain Agency Agreement between the City of San Diego and Civic San Diego to Administer Certain Legislative Enactments of the City of San Diego (Agency Agreement), on the terms and conditions as set forth in the Agency Agreement, together with any reasonably necessary modifications or amendments thereto which do not materially change the terms and which the Mayor, or designee, shall deem necessary from time to time in order to carry out the purposes and intent of the Agency Agreement.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The proposed FY 2017 Budget for Civic San Diego is \$7.7 million. This action would replace the existing consultant contracts with an Operating Agreement and Agency Agreement. No new funding is required.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on June 4, 2015.

ACTION: Motion by Council President Lightner, second by Councilmember Cole, to forward the item to City Council without recommendation with the additional requests as follows:

- that the Policy be adjusted to reference the City's Small Local Business Enterprise (SLBE) Policy;
- that the Policy reference compliance with all City policies;
- for staff to explore opportunities to establish an affordable housing requirement within the Operating Agreement;
- to include all Exhibits/back-up material to the Operating Agreement as the item moves forward to Council.

VOTE: 2-2; Cole-yea, Lightner-yea, Kersey-nay, Cate-nay.

Caldwell/Graham

Primary Contact\Phone: David Graham\619-235-5880

City Attorney Contact: Townsley, Carrie G.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

This item will be taken in the morning session which is scheduled to begin at 10:00 a.m.

ITEM-332: FY 2017 Del Mar Mesa Public Facilities Financing Plan Update. (Del Mar Mesa Community Plan Area. District 1.)

ITEM DESCRIPTION:

Requesting approval of the FY 2017 Del Mar Mesa Public Facilities Financing Plan, which sets the Development Impact Fees (DIF) for Del Mar Mesa, and ensures continued funding for community serving infrastructure.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-168)

Adoption of a Resolution approving the Del Mar Mesa Public Facilities Financing Plan, Fiscal Year 2017 (Plan);

Authorizing the Chief Financial Officer to establish and modify individual Capital Improvement Program project budgets to reflect the Financing Plan, provided funding is available for such action.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Approving the Development Impact Fee will continue to provide a funding source for the public facilities identified in the financing plan.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard by the Infrastructure Committee on September 22, 2016, and forwarded to the full Council with a recommendation to introduce the ordinance. On July 14, 2016, the Del Mar Mesa Community Planning Group voted unanimously to approve the FY 2017 Del Mar Mesa Public Facilities Financing Plan as proposed.

Murphy\Graham\cs

Primary Contact\Phone: Charlette Strong-Williams\619-533-3683, MS 606F

Secondary Contact\Phone: Angela Abeyta\619-533-3674, MS 606F

City Attorney Contact: Halsey, Keely

This item will be taken in the morning session which is scheduled to begin at 10:00 a.m.

ITEM-333: Heritage Bluffs II. (Black Mountain Ranch Community Plan Area. District 5.)

ITEM DESCRIPTION:

The Heritage Bluffs II Project proposes to develop approximately 45.28 acres and preserve approximately 120 acres as open space. The Project proposes development of 171 single dwelling unit residential lots, public streets, grading, landscaping, brush management and the installation of all necessary public infra-structure. All areas outside the limits of grading would be protected by a covenant of easement. The Black Mountain Ranch Subarea Plan allows 220 dwelling units to be developed on the site, including a requirement for 35 affordable housing units.

STAFF'S RECOMMENDATION:

Adopt the resolutions in subitems A, C, D and E; and introduce the ordinance in subitem B:

Subitem A: (R-2016-125)

Adoption of a Resolution certifying the Supplemental Environmental Impact Report No. 319435;

Adoption of the findings, statement of overriding considerations, and mitigation monitoring and reporting program for the Heritage Bluffs II Project;

The Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Street, San Diego, CA 92101;

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

NOTE: Subitem A is not subject to the Mayor's veto.

Subitem-B: (O-2017-51)

Introduction of an Ordinance of the Council of the City of San Diego rezoning 38.68 acres located generally south of Bernardo Center Drive/Carmel Valley Road, within the Black Mountain Ranch Community Plan area, in the City of San Diego, California, from the AR-1-1 zone into the RS-1-14 and RX-1-1 zones, as defined by San Diego Municipal Code Chapter 13, Article 1, Division 4; and repealing Ordinance No. 8858 and No. 8703 (new series), adopted July 18, 1963 and August 9, 1962, respectively, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

NOTE: Subitem B is not subject to the Mayor's veto.

Subitem C: (R-2017-134)

Adoption of a Resolution vacating the open space easement located within Black Mountain Ranch in connection with Vesting Tentative Map (VTM) No. 1193244, as more particularly described in the legal description marked as Exhibit A, and shown on Drawing Nos. 39082-1-B, 39082-2-B, and 39082-3-B, marked as Exhibit B which are by this reference incorporated herein and made a part hereof;

Directing the Development Services Department to record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the office of the County Recorder.

NOTE: Subitem C is not subject to the Mayor's veto.

Subitem D: (R-2017-126)

Adoption of a Resolution approving the Vesting Tentative Map No. 1193244 supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

Granting VTM No. 1193244 to Marianne Miller, Trustee of the Miller Family Trust, dated February 12, 2007, et al, Subdivider, based on the Findings hereinbefore adopted by the City Council of the City of San Diego.

NOTE: Subitem D is not subject to the Mayor's veto.

Subitem-E: (R-2017-160)

Adoption of a Resolution approving the findings with respect to Planned Development Permit (PDP) No. 1193245 and Site Development Permit (SDP) No. 1193246, supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting PDP No. 1193245 and SDP No. 1193246 to Marianne Miller, Trustee of the Miller Family Trust, dated February 12, 2007, et al, Owners and SPIC DEL SUR, LLC Permittee, under the terms and conditions set forth in the permit included as Attachment A, which is made part of this resolution;

Approving the Multi-Habitat Planning Area boundary line adjustment as shown on VTM No. 1193244.

NOTE: Subitem E is not subject to the Mayor's veto.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

There is no community planning group for the Black Mountain Ranch Community. As the adjacent community planning group, the Rancho Peñasquitos Planning Board provided a recommendation on May 7, 2014, voting 11:0:3 to recommend approval of the project. The Planning Commission voted 6:0:0:1 to approve the project.

Vacchi/Graham/jf

Primary Contact\Phone: John S. Fisher \ 619-446-5231, MS 301

Secondary Contact\Phone: Patricia Fitzgerald \ 619-446-5107, MS 301

City Attorney Contact: Lintvedt, Inga

This item will be taken in the morning session which is scheduled to begin at 10:00 a.m.

ITEM-334: The Watermark Amendment, Project No. 443731. (Miramar Ranch North Community Plan Area. District 5.)

ITEM DESCRIPTION:

This action is a Community Plan Amendment, General Plan Amendment and Rezone on two, 0.95-acre areas within the approved Watermark and Scripps Gateway/MedImpact project areas. More specifically, 0.95-acres located within the Watermark property would be redesignated from Regional/Commercial to Industrial/Business Park; whereas the 0.95-acres area within Scripps Gateway/MedImpact property would be redesignated from Industrial/Business Park to Regional/Commercial. Additionally, the area located within the Watermark property would be rezoned from CR-2-1 to IP-2-1 and the area located within the Scripps Gateway/MedImpact property would be rezoned from IP-2-1 to CR-2-1.

STAFF'S RECOMMENDATION:

Adopt the following resolutions in subitems A and C; and introduce the ordinance in subitem B:

Subitem-A: (R-2017-123)

Adoption of a Resolution declaring that the information contained in the final Environmental Impact Report No. 180357 and 92-0466 along with the Addendum thereto, including any comments received during the public review process, has been reviewed and considered by this City Council prior to making a decision on the Project;

Declaring that there are no substantial changes proposed to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions in the Environmental Impact Report for the Project due to significant environmental effects or a substantial increase in the severity of previously identified environmental effects;

Declaring that no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in the Environmental Impact Report or that any significant effects previously examined will be substantially more severe than shown in the Environmental Impact Report;

Declaring that no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline to adopt, or that there are any considerably different mitigation measures or alternatives not previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt;

Declaring that pursuant to State CEQA Guidelines Section 15164, none of the conditions of described in State CEQA Guidelines section 15162 have occurred or only minor technical changes or additions are necessary, and therefore, the City Council adopts Addendum No. 443731 to Environmental Impact Report No. 180357 and 92-0466 with respect to the Project, a copy of which is on file in the Office of the Development Services Department;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this City Council in order to mitigate or avoid significant effects on the environment, pursuant to CEQA Section 21081.6, which is attached hereto as Exhibit A;

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

NOTE: This item is not subject to the Mayor's veto.

Subitem-B: (O-2017-49)

Introduction of an Ordinance changing 0.95-acres located at 10137, Scripps Gateway Court, within the Miramar Ranch North Community Plan Area, in the City of San Diego, California, from the CR-2-1 Zone into the IP-2-1 Zone and 0.95-Acres located at 10181 Scripps Gateway Court, within the Miramar Ranch North Community Plan Area, in the City of San Diego from the IP-2-1 Zone into the CR-2-1 Zone; and repealing Ordinance No. 15612 (New Series), adopted November 16, 1981, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

NOTE: This item is not subject to the Mayor's veto.

Subitem-C: (R-2017-122)

Adoption of a Resolution adopting an amendment to the General Plan for the City of San Diego, a copy of which is on file in the Office of the City Clerk;

Adopting the amendments to the Miramar Ranch North Community Plan, a copy of which is on file in the Office of the City Clerk.

NOTE: This item is not subject to the Mayor's veto.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Project costs are paid by the applicant through a deposit account.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On August 25, 2016, the Planning Commission voted 5-0-2 to recommend the City Council approve the project. Haase, Wagner, Quiroz, Austin and Hofman voted to approve the project on consent with Peerson and Whalen absent.

Vacchi/Graham/rm

Primary Contact\Phone: Renee Mezo\619-446-5001, MS 501

Secondary Contact\Phone: Tim Daly\619-446-5356, MS 501

City Attorney Contact: Thomas, Shannon

The following item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-335: Approval of Purchase and Sale of Town & Country Apartments by the San Diego Housing Commission, Approval of a Loan for Acquisition and Development, and related TEFRA and Bond Inducement Actions. (District 4.)

ITEM DESCRIPTION:

That the Housing Authority of the City of San Diego approve a Purchase and Sale Agreement to purchase that 145 unit property known as the Town & Country Village Apartments, located at 4066 Messina Drive, San Diego, California on terms and conditions referenced within a Letter of Intent executed by the parties.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-163)

Declaring that this City Council, as the applicable elected representative under Section 147(f) of the Code, approves the issuance of the Bonds by the Authority;

Declaring that the City does not warrant the creditworthiness of the Bonds or guarantee, in any way, the payment of the Bonds. No moneys of the City will be pledged or applied to the repayment of the Bonds;

Declaring that the proposed rehabilitation is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines because the Project is an existing facility and the proposed actions do not involve expansion of the existing use.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The funding sources and uses proposed by this action were not included in the Fiscal Year 2017 budget. Approving this action will result in the rehabilitation of 97 affordable housing units and 48 market-rate units. There is potential for the 48 market rate units to be converted to affordable units.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Davis/Graham

Primary Contact\Phone: Ted Miyahara\619-578-7550

City Attorney Contact: Chung, Walter C.

NOTE: See the Housing Authority Agenda of October 18, 2016, for a companion item.

NOTE: This is a TEFRA hearing item.

The following item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-336: Appeal of the Environmental Determination for the 3503-3517 Indiana Street Project, Project No. 388089. (Greater North Park Community Plan Area. District 3.)

ITEM DESCRIPTION:

Appeal of the environmental determination of CEQA Exemption 15332 (In-Fill Development Projects) for the 3503-3517 Indiana Street Project.

TODAY'S ACTIONS ARE:

Take the following actions:

According to San Diego Municipal Code Section 112.0520(d) Power to Act on Appeal, the City Council shall consider the appeal and may take action as follows:

(1) By a majority vote, deny the appeal, and adopt the environmental determination, or

(2) By a majority vote, grant the appeal and set aside the environmental determination, in accordance with San Diego Municipal Code Section 112.0520(e);

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter;

If the City Council grants the appeal, the lower-decision maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental document and associated project at a subsequent public hearing.

NOTE: This item is not subject to the Mayor's veto.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None. All costs associated with processing of this project are paid through a deposit account paid by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On November 17, 2015, the North Park Planning Committee voted 13-0-0 to recommend approval of the project with no additional conditions.

Vacchi/Graham/td

Primary Contact\Phone: Tim Daly\619-446-5356, MS 501

Secondary Contact\Phone: Paul Godwin\619-446-5190, MS 501

City Attorney Contact: Thomas, Shannon

The following item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-337: Disposition and Development Agreement with Cisterra 7th & Market, LLC - 7th & Market Site (bounded by Market Street and Seventh, Eighth, and Island Avenues). (East Village Neighborhood of the Downtown Centre City Community Plan Area. District 3.)

(Continued from the meeting of 9/13/2016, Item 330. On 9/20/2016, Item S501, Subitem A was adopted, Subitem B was returned to staff.) (Rev. 10/12/16)

ITEM DESCRIPTION:

Disposition and Development Agreement between the City of San Diego and Cisterra 7th & Market LLC, for Developer's purchase of real property on an approximately 55,000 square-foot site owned by the City located at 580 Eighth Avenue located in the East Village Neighborhood.

STAFF'S RECOMMENDATION:

Adopt the following resolution: (Rev. 10/12/16)

(R-2017-96)

Making certain findings, and approving the Disposition and Development Agreement (DDA), related to the Seventh & Market Affordable Housing Project within the Centre City Redevelopment Project Area.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The proposed Disposition and Development Agreement (DDA) requires that the Developer submit a \$100,000 good faith deposit to CivicSD/City that would be credited toward the Purchase Price for the Property or returned to the Developer upon termination of the DDA if the Developer has negotiated diligently and in good faith. It also requires that the Developer submit a non-refundable, \$50,000 negotiation deposit related to negotiating and preparing and implementing the proposed DDA, less the balance remaining of the good faith negotiation payment made by the Developer under the Exclusive Negotiation Agreement (ENA). In accordance with the terms of the DDA, the purchase price for the Property is equal to the fair reuse value of \$20,000,000. The net proceeds of the sale of the Property will be deposited into the Low/Moderate Income Housing Asset Fund for the benefit of future affordable housing projects.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Jarrett/Graham

Primary Contact\Phone: Eli Sanchez\619-533-7121

City Attorney Contact: Palmucci, Raymond C.\Reisch, Kevin

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT